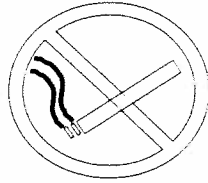


Houston Smoking Ordinance Enforcement



Houston Department Of Health and
Human Services

270 Complaints Received
9/5/05 to 7/31/06

- **Food establishments – 68%**
 - Restaurant Bars - 67%
 - Dining Areas of Restaurants - 19%
 - Lounge Bars, Bowling Centers and Bingo Halls - 15%
- **Non-food establishments - 32%**
(smoking in office buildings, worksites, and 25 ft. from entrance)

Complaint Investigation Process

- Ordinance defines requirements.
- Notice of Violation (NOV)
 - issued if a violation is found.
 - states the date the violation must be corrected.
 - can be appealed by a business with a hearing request.
 - *Most violations are corrected.*
- Citation issued if
 - NOV is not corrected.
 - Smoking is permitted in the dining area of a restaurant.
 - Person refuses to stop smoking in a non-smoking area.

Smoking Ordinance Enforcement and Education

- **Environmental Investigators**
 - Respond to complaints.
 - Conduct consultative site inspections upon request.
 - Provide information and interpret the ordinance.
- **Sanitarians**
 - Ensure compliance with Smoking Ordinance when food permits are issued.
 - Conduct surveys.
 - Distribute information.

Types of Violations

- **Establishment**
 - Smoking, sign or ventilation violations.
Management must ensure their establishment is in compliance with the ordinance.
 - Enforcement by Environmental Investigators.
- **Individual**
 - Person smoking in non-smoking area.
 - Enforcement by Environmental Investigators and HPD Officers.

Establishment Violations

70% of Restaurant Bars in Violation



Violation by an Individual



Restaurant Bars

- 70% in Violation
- 77% Permit Smoking
- Types of Violations
 - Absence of "Smoking Permitted" Signs: 55%
 - Ventilation: 45%
- Number seats
 - Range 10-85
 - Average 23

Smoke is pushed or pulled into dining area.

Enforcement

- Ordinance Compliance
 - All Smoking Complaints: 45%
 - Food Establishments: 36%
 - Non-Food Establishments: 64%
- Enforcement Actions
 - 148 Notices of Violation (NOVs)
 - 7 Citations

Food Establishment Complaints – 68%



Food Establishment Complaints

- Types
 - Restaurant Bar: 67%
 - Dining Area of Restaurant: 19%
 - Lounge Bar: 7% (*depending on alcohol sales*)
 - Bowling Center: 7%
 - Bingo Hall: 1%

Non-food Establishment Complaints – 32%

Includes smoking in office buildings, worksites, near public entrances and does not include lounge bars.



Comment Type	Countable Violations	% Countable Violations in Total Countable Violations	% Countable Violations in All Countable Types	Countable Investigations	POB's Issued	Violations Issued	% Countable Violations	% Violations Violations	% Bugs Violations	% Drug Violations
Prohibited possessing or in control of a weapon	1	100%	13%	20	0	0	0%	0%	0%	0%
Prohibited for possession of firearm	129	87%	89%	1,038	84	0	100%	89%	99%	65%
Prohibited for possession of firearm	13	7%	7%	12	13	0	0%	7%	0%	0%
Prohibited for possession of firearm	12	7%	7%	1	0	0	100%	100%	100%	100%
Prohibited for possession of firearm	1	7%	6%	6	0	0	100%	100%	100%	100%
TOTAL Prohibited possession of firearm	67	50%	33%	39	1	0%	100%	100%	100%	100%
Prohibited for possession of firearm	100	100%	100%	100	110	6	100%	100%	100%	100%
TOTAL Prohibited possession of firearm	273	50%	50%	393	142	7	100%	100%	100%	100%

QUESTIONS
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Revised Smoking Ordinance - Data from 9/5/05 to 7/31/06

Complaint Type	Complaints Received	% Complaints Received for Food Establishments ⁽²⁾	% Complaints Received for All Complaint Types	Complaint Investigations	NOVs Issued	Citations Issued	% Compliant	% Ventilation Violations	% Sign Violations	% Dining Area Violations
Restaurant (Smoking in a dining area)	34	19%	13%	26	5	6	73%	9%	36%	55%
Restaurant Bar Lounge Bar (depending on alcohol sales, ordinance may not be applicable)	123	67%	46%	100	94	0	30%	45%	55%	0%
Bowling Center (food is being served)	13	7%	5%	12	13	0	0%	8%	92%	0%
Bingo Hall (food is being served)	12	7%	4%	1	0	0	100%	N/A	N/A	N/A
	1	1%	0%	0	0	0	N/A	N/A	N/A	N/A
TOTAL (Non-food Establishment Smoking Complaints) ⁽¹⁾	87	N/A	32%	66	36	1	64%	N/A	N/A	N/A
TOTAL (for Food Establishments)	183	100%	68%	139	112	6	36%	37%	58%	5%
TOTAL (All Smoking Complaints)	270	N/A	100%	205	148	7	45%	N/A	N/A	N/A

(1) Non-food establishment complaints include smoking in office buildings, worksites, within 25 feet of doorways, etc.

(2) Non-food establishments do not include lounge bars. Percentages do not add up to 100% because the computer is rounding up these numbers.